

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

JAN - 9 2008

Case No. 5646  
Date Filed 1/2/08  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fees \$400.00

Shaded Areas for Office Use Only

**Type of Application**

- ☐ Administrative Decision/Interpretation
- ☐ Special Exception
- ☐ Use Variance
- ☐ Change/Extension of Non-Conforming Use
- ☐ Minor Area Variance
- ☐ Area Variance
- ☐ Variance from Requirements of the Code
- ☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5646 MAP 48 TYPE Special Exception

ELECTION DISTRICT 03 LOCATION 2201 Carrs Mill Road, Fallston 21047

BY The Fallston Volunteer Fire and Ambulance Company, Inc.

Appealed because a special exception pursuant to Sec. 267-53.4C and 267-53.6, of the Harford County Code to allow a communications tower in the AG District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Owner (please print or type)**

Name The Fallston Volunteer Fire + Ambulance Company, Inc. Phone Number \_\_\_\_\_  
Address 2201 Carrs Mill Rd Fallston MD 21047  
Street Number Street City State Zip Code

Co-Applicant Verticality Inc. + Clearshot Communications Phone Number 703 802 8714  
Address 26 Ponte Vedra Circle Ponte Vedra FL 32082  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Sean Hughes Phone Number 703 549 1123  
Address 801 N. Fairfax St, Ste 209 Alexandria VA 22314  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 2201 Carrs Mill Rd, Fallston, MD  
21047, Fallston Volunteer Fire & Ambulance Co

Subdivision \_\_\_\_\_ Lot Number \_\_\_\_\_

Acreage/Lot Size 5.01 A Election District 03 Zoning AG

Tax Map No. 48 Grid No. 3B Parcel 160 Water/Sewer: Private \_\_\_\_\_ Public \_\_\_\_\_

List ALL structures on property and current use: Fire house and accompanying structures  
and uses for fire + ambulance services

Estimated time required to present case: \_\_\_\_\_

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No ✓

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No ✓

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No ✓

**Request**

See attached Statement of Justification  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Justification**

See attached Statement of Justification  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

December 2007

BEFORE THE ZONING ADMINISTRATOR OF HARFORD COUNTY, MARYLAND

In the Matter of the Petition of Verticality, Inc. &  
Clearshot Communications  
For Special Exception  
Approval to Install a Wireless Telecommunications  
Facility at Fallston Volunteer Fire & Ambulance Co. Inc.  
2201 Carrs Mill Road, Fallston, MD 21047

Case No. \_\_\_\_\_

**STATEMENT**

In accordance with the requirements of the Zoning Ordinance of Harford County, Verticality, Inc. & Clearshot Communications ("Applicant") hereby furnishes the following Statement in support of the request that a special exception be granted permitting the installation of an unmanned wireless telecommunications facility (the "Facility") to be located at 2201 Carrs Mill Road, Fallston, Maryland (the "Property").

**APPLICANT**

Verticality, Inc. & Clearshot Communications are companies that develop and provide facilities for communications companies, such as T-Mobile here, to locate their equipment upon in order to provide enhanced communications services to their customers. T-Mobile holds a license issued to it by the Federal Communications Commission ("FCC") to provide personal communication service ("PCS") throughout the greater Baltimore-Washington, DC metropolitan areas, including portions and sections of Harford County. T-Mobile as anchor tenant of this application now supports approval of this special exception and variance application to allow it to place its equipment at the facility in accordance with the terms, obligations and responsibilities of said license.

**NATURE OF REQUEST**

The application requests special exception approval to permit the establishment of an unmanned wireless telecommunications facility in an AG zone. The Facility will primarily consist of antennas mounted on the monopole structure. The initial or anchor tenant being T-Mobile, while the monopole will be built for collocation and hold up to a total of five (5) communication providers. In addition to the antennas on the monopole their will be ancillary ground from T-Mobile and later providers within the proposed 60-foot by 60-foot board-on-board fenced area at the base of the proposed monopole facility, as shown on the zoning drawings prepared by BC Architects Engineers and dated December 19, 2007 ("Attachment A"). The proposed fenced compound will be further screened by existing trees cover, as well as additional landscaping proposed in the area of

the compound. The facility is sought to address pressing T-Mobile coverage issues along Route 152/Fallston Road and Carrs Mill Road as well as coverage gaps in surrounding residential areas and roadways.

Coaxial cables will connect the ground equipment to the antennas. The T-Mobile antennas would be mounted on the monopole at a RAD center of approximately 147 feet. The T-Mobile ground equipment will be placed within the fenced area and on an equipment pad measuring approximately ten-feet by twenty-feet and not extend above the 8-foot board on board fence.

The facility will operate automatically and will not require personnel or hours of attendance. It will operate twenty-four (24) hours a day, three hundred and sixty-five days a year. Maintenance personnel will visit the site periodically and occasionally for repairs or modifications to the facility.

#### REASON FOR REQUEST

The location of the Facility is a vital area to wireless providers' telecommunications networks generally and to T-Mobile specifically. Telecommunications providers must locate antenna sites according to network design within relatively limited geographic parameters in order to provide uninterrupted coverage. When carriers cannot locate a site within these geographic parameters, network users will pass through an area where the lost signal results in interrupted or "dropped" calls. This poses a significant safety problem, both from the standpoint of lack of coverage in emergencies and because an interrupted call may result in distraction to drivers.

In addition, the number of emergency 911 calls from wireless phones is increasing rapidly. Because of this, a new caller location system, called Enhanced 911 (e911), has been deployed. E911 serves three functions: 1) ensures that a wireless 911 call is routed to the nearest emergency dispatch call center; 2) provides emergency dispatchers with the call-back number of the distressed call; and 3) provides the approximate location of the distressed caller. For e911 to perform its many invaluable functions, wireless providers must have enough antennas placed throughout communities to ensure a distressed caller's wireless phone has adequate signal available to make an emergency call, stay connected with the 911 operator, and be located by emergency services.

In T-Mobile's evaluation of the need for service in the area, T-Mobile has determined that this proposed site location by Verticality, Inc. & Clearshot Communications fill a need for enhanced wireless services for its customers. The Fallston Volunteer Fire & Ambulance Co. is an appropriate location for the site due to the fact that it is an institutional use on a large parcel and also has another institutional use and larger parcel to its immediate south, Fallston High and Middle Schools. These facts provide some nice setbacks and screening from many of the residentially zoned properties in the vicinity.

The property located at 2201 Carrs Mill Road is zoned AG (Agricultural). Telecommunications facilities are permitted by special exception in AG zones up to 199-feet under Section 267-53.4(C).

The site offers both an excellent land-use and visual solution to T-Mobile's coverage objective within the narrow placement parameters of this particular search area. T-Mobile's analysis of its network indicates that there is a significant gap in wireless coverage for its customers along Rt. 152/Fallston Road and Carrs Mill Road as well as in surrounding residential areas and roadways.

#### OPERATION OF THE FACILITY

The Facility will be in continuous operation 24 hours per day. It will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the Property. The Facility will not have any lighting. The Facility will be unmanned and will not create any significant impact on traffic to the surrounding area. After the initial construction of the Facility, the only visits to the site will be for emergency repairs or regularly scheduled maintenance visits of 1-2 times per month. The Facility will not require any water or sewer service; electric and telephone service is already on site. There will be no special requirements for other public facilities or services.

#### ANTICIPATED IMPACTS ON ADJOINING PROPERTIES

The proposed facility will have no material impact as to traffic, noise, light pollution, air quality, water quality, or radiation on the adjoining properties. There will be no harmful emissions or any electrical or blanketing interference from the equipment, transmission lines or antennas.

The site location and design is an appropriate venue for such a facility. The zoning code allows communication towers by special exception in AG zone. And due to the institutional use of the subject property as a fire house and the large institutional use next door of the Fallston Middle and High Schools not only will this site not have a greater impact on this AG zoned property versus expected to have by placing it on another area zoned AG in the County, but we contend that this is an ideal location for the previously noted reasons.

##### **1. Applicants**

Verticality, Inc. & Clearshot Communications  
26 Ponte Vedra Circle  
Ponte Vedra, FL 32082  
Attention: Ian F Ormesher  
Tel: 703 802 8714  
Fax: 815 550 1232  
[ian.ormesher@cox.net](mailto:ian.ormesher@cox.net)

2. **Lead tenant**  
T-Mobile USA

3. **Location**  
2201 Carrs Mill Rd, Fallston MD 21047  
Owner: Fallston Volunteer Fire and Ambulance Co Inc  
Map 48 Grid 3B Parcel 160

Zoned: AG

4. **Proposed Use & Site Description**

T-Mobile propose to install and unmanned telecommunications facility that will consist an antenna array mounted on a 150' monopole. T-Mobile also proposes to install ground based equipment cabinets. All ground equipment would be contained in a secure fenced compound as indicated on sheet A1 of the construction drawings.

The facility will operate automatically and will typically receive regular maintenance on a monthly basis.

The proposed telecommunications link would be part of T-Mobiles regional wireless PCS (Personal Communications Service) system and would be operated at frequency ranges 1860-65, 1890-95 MHz (for receive) and 1940-45, 1970-75 (for transmit). The facility will provide PCS coverage to Carrs Mill Rd, SR152, the Fallston Middle and High schools and the surrounding areas. This area currently receives poor coverage from the licensed PCS carriers due to the distance from their existing sites and the undulating nature of the topography.

4. **Relationship to Harford County Zoning Ordinance**  
**Sec 267-53.4 Communications Towers**

C. Communications tower shall be allowed by special exception, up to 199 feet, in the R, RR, R1, R2, VR, VB, B1, B2 and AG Districts.

Comment: The application is for a special exception for a 150' monopole in an AG District.

**Sec 267-53.5 Provisions Applicable to All Communications Towers**

A. All communications towers shall be structurally designed to accommodate for co-location, which shall mean the ability of the structure to allow for the placement of antennas for 3 or more carriers. This provision may be waived by the approving body if it is determined that a co-location design will have an adverse impact on the surrounding area.

Comment: The proposed tower will be structurally designed to accommodate 5 carriers.

B. No aviation-related lighting shall be placed on any communications tower

unless specifically required by the Federal Aviation Administration (FAA) or other governmental entity.

Comment: There is no aviation related lighting proposed for the tower. An FAA determination dated December 10, 2007 confirmed that the FAA would not require the monopole to be lit.

C. Monopoles shall be the preferred communications tower structure type within the County.

Comment: The application is for a monopole construction.

D. To the extent practicable, communication towers shall have suitable landscaping in order to screen the site from adjoining properties.

Comment: The proposed site is in a location with significant existing screening from mature trees. The enclosed photographs from a balloon test indicate that there are limited locations that have any view of the tower. Applicant is proposing to provide additional landscaping around the tower compound to further screen the tower from those few areas where there is a view of the ground equipment.

E. The only signage permitted on any communications tower shall be a single sign no larger than 6 square feet, affixed to the equipment building or fence enclosure that identifies the tower owner, each locating provider and the telephone number for the person to contact in the event of an emergency.

Comment: Signage complying with this requirement will be placed on the fence enclosure adjacent to the gate, see sheet A3 of engineering drawings.

F. Upon completion of a communications tower and every 5 years after the date of completion, the owner of the tower shall submit to the Zoning Administrator written certification from a professional engineer verifying that the tower meets all applicable building code and safety requirements applicable at the time the original building permit was issued. Failure to submit said certification within 60 days of written notification by the Department of Planning and Zoning to the owner of the tower or any successor in interest shall result in the start of the revocation process for the tower approval.

Comment: The tower owner will comply with this requirement.

G. All zoning certificate applications for the construction of new communications towers shall be subject to the DAC review process, with the following additional requisites:

(1) Whether an applicant has satisfied the radio frequency need requirements identified in this section shall be reviewed by a radio frequency engineer. The engineer shall be retained by the County from an approved panel of such engineers to be created and maintained by the County. The engineer shall determine whether the applicant has shown a radio frequency

need, based on coverage and /or capacity issues, or other engineering requisites, to construct a new communications tower;

Comment: The propagation maps at (Attachment E) illustrate the coverage obtained from the T-Mobile antennas located on the existing adjacent towers. The propagation maps clearly indicate that T-Mobile's antennas are unable to provide coverage to the target area from their current locations and that an additional site is required in the Carrs Mill Road area. Also included are drive test maps used by Verticality to identify the Fallston location as an area where a multi carrier coverage gap exists, and hence as suitable for a multi tenant cell tower. We are confident that the County's radio frequency engineer will concur. Regardless, applicant will at the time of filing the Zoning Certificate application, provide detailed information concerning radio frequency need to construct a new communications facility at the proposed location to the DAC.

(2) When the communications tower is permitted by right, the engineer's determination shall be made in the ordinary course of DAC review.

Comment: Not applicable.

(3) When the communications tower is allowed by special exception, the County's radio frequency engineering review shall be made in connection with the staff report review pursuant to Chapter A274-1.D. Such review will be completed prior to any zoning hearing and will preclude further DAC review of radio frequency issues; and

Comment: Applicant understand that the County's radio frequency engineering review shall be made in connection with the staff report review pursuant to Chapter A274-1D and shall be completed prior to any zoning hearing.

(4) The County's radio frequency engineer shall ensure that any new tower does not interfere with or obstruct existing or proposed communications towers designed for public safety use.

Comment: The proposed monopole is located a significant distance from the nearest adjacent tower and as such is extremely unlikely to cause any interference. The frequencies used by T-Mobile are those allocated by the FCC and are designed operate in close proximity to public safety radios without any interference affecting operational capability. Further, please see (Attachment D) from T-Mobile's radio frequency engineer stating that the new communications facility proposed will not interfere with or obstruct existing or proposed communications towers designed for public safety use.



H. The applicant shall be responsible for maintaining the communications tower in a safe operating condition.

Comment: Applicant will maintain tower in a safe operating condition.

I. Communications towers shall be utilized continuously for wireless communications. In the event that a communications tower ceases to be used for wireless communications for a period of 6 months, the approval will be revoked. In the event that the Zoning Administrator is presented with evidence that further viability of the tower is imminent, the Zoning Administrator may grant one extension of the approval for a period not to exceed 6 months beyond the revocation of use. The applicant shall take all necessary steps to dismantle the tower and remove and dispose of all visible remnants and materials from the subject parcel within 90 days after termination. The applicant shall ensure removal of the tower and all associated accessory structures by posting an acceptable monetary guarantee with the County on forms provided by the Office of the Zoning Administrator. The guarantee shall be submitted prior to issuance of a building permit and shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal of the tower, plus a 15% contingency.

Comment: Applicant agrees to this requirement.

J. Every application for the construction of a new communications tower shall include the following:

(1) Information demonstrating the applicant's radio frequency need for the facility, including computer modeling information, an explanation why co-location is not feasible and a list of alternative sites considered.

RF drive tests were conducted by Verticality to identify areas in Harford County where existing coverage for carriers was poor and from that determine where new towers may be needed. The drive test data indicated that the nearest available (non-governmental use site) tower at Lynchs Corner (Crown Castle) over two (2) miles away did provide some coverage to the general Fallston area but that there would be coverage gaps and that coverage would be poor for many residences and commercial buildings due to the distance from the tower and the topography. The drive test data indicated that any PCS carriers located on the nearby tower would not be able to provide effective coverage due to distance and topography. Verticality then assigned a site acquisition specialist to assess the area and identify any tall structures that could be used for collocation. The site acquisition confirmed the absence of tall structures and commenced contacting local landowners regarding the feasibility of placing a tower on their property. After researching the zoning and setback requirements in the area, Verticality Inc. contacted the Fallston Volunteer Ambulance and Fire Co. who expressed interest in a tower... In January 2007 T-Mobile contacted Verticality indicating interest in locating on

a tower at the proposed location. T-Mobile have provided computer modeled propagation maps to indicate the current gap in service, the propagation to be obtained from the proposed site and a composite model showing the existing coverage plus coverage from the proposed site. See propagation maps at Annex C.

Collocation is not a feasible option as there are no tall structures within a nearly two (2) mile radius.

Alternate new tower site locations were considered during the site acquisition process. The possible locations were severely limited by zoning category and setback requirements. The Fallston Fire and Ambulance Co. location was identified as a location that would provide appropriate coverage, have good visual shielding by mature trees, was a location where the construction of a cell tower is not inconsistent with the use of the property and where the income to the volunteer Fire and Ambulance Co. would provide wider benefit to the community.

(2) A check list prepared in conformity with Section 106 of the National Environmental Policy Act and any other documentation filed by the applicant with the FCC related to this site if requested by the department.

Comment: NEPA checklist is at (Attachment E). A full copy of the NEPA documentation is available on request.

(3) A site plan, including layout of the site, a drawing or other physical depiction of the proposed communications tower and any equipment buildings, and a map showing the area within one mile radius of the tower.

Comment: A site plan including tower and equipment buildings is at (Attachment A); a map showing the area within a one mile radius of the tower is at (Attachment J).

(4) A description of the number of carriers' equipment that the tower can accommodate and a statement as to whether the applicant will allow other carriers to co-locate on the facility.

Comment: The facility will be designed to accommodate 5 sets of carriers' equipment. The applicant confirms willingness to allow other carriers to co-locate on the facility.

(5) Document demonstrating the tower shall be designed and constructed in accordance with any applicable American National Standards Institute standards.

Comment: The applicant confirms that the tower will be designed by a professional engineer registered in the State of Maryland and that the tower will be designed in accordance with the current ANSI standards ANSA 222 G.

- (6) Proof that the applicant owns or otherwise has permission to use the site, along with any easements necessary to access the site.

Comment: A copy of the Memorandum of Lease, including easements is at (Attachment H).

- (7) A certification from each carrier that will utilize the facility that its equipment will meet all applicable federal standards governing the emission of energy from such facilities.

Comment: Certification from T-Mobile is at (Attachment G). Future carriers will also submit such a certification.

- (8) A nonbonding 5-year plan showing the applicant's existing and proposed communications network within the County. In accordance with state law on access to public records, §10-611 et seq. of the State Government Article, the department shall treat the 5 year plan it obtains as confidential and shall not permit public inspection of that information.

Comment: T-Mobile has recently submitted a 5 year plan direct to Harford County and such plan is on file.

K. When proposing a new communications tower, the applicant must demonstrate a radio frequency need for such a facility by showing:

- (1) That the applicant has researched the co-location possibilities in the area, including in its research a review of the County's database of structures.

Comment: The Applicant has conducted an extensive search by land and aerial maps as well as a review of the County's database of structures and confirmed that there are no suitable structures within one (1) to two (2) miles of the proposed tower.

- (2) That due to the absence of sufficiently tall structures in the search area, the absence of structural capacity or other valid engineering or economic factors, no viable co-location opportunities exist in the search area.

Comment: There are no suitable structures within approximately a two (2) mile radius of the proposed tower.

#### **Sec 267-53.6. Additional Special Exception Requirements.**

An applicant proposing a new communications tower in the R, RR, R1, R2, VR, VB, B1, B2 or AG Districts shall demonstrate that the request complies with the following conditions:

A. The placement of the communications tower at the proposed location will not have a material negative impact on the value, use or enjoyment of any adjoining parcel.

Comment: The tower will be situated to the rear of the Fire Company and is abutted by the Fire Company building, a school, woodland and a car park. The location of the tower will have no material negative impact on any adjoining parcel. The proposed tower will have no material impact on traffic, air quality, water quality, noise, light pollution or radiation. There will be no harmful emissions or any electrical or blanketing interference from the equipment, transmission lines or antennas. The subject parcel is an institutional use and Fire Company properties often have communication towers such as this on site for communications. In fact applicant contends that the facility will have a positive impact by enabling enhanced wireless communications to occur in the area for vital, non-vital and emergency communications for the citizens, businesses and visitors in this area of Harford County.

B. The applicant has made a diligent attempt to locate the applicant's antenna on an existing tower or nonresidential building or structure.

Comment: There are no suitable structures for collocation within a X mile radius of the proposed tower.

C. The applicant shall provide the following additional information in support of its application:

(1) Photographs of existing site conditions.

Comment: See photographs are at (Attachment J).

(2) Photographs demonstrating that a balloon test has been conducted or other evidence depicting the visual impact of the proposed tower within a one mile radius of the tower.

Comment: Photographs from the balloon test are at (Attachment J).

(3) A map describing the topography of the site and the area within a one-mile radius of the proposed tower.

Comment: Topographical map is at (Attachment J).

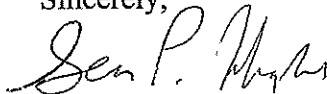
Transportation, Communications and Utilities/Warehousing Uses in AG zones require a minimum lot area of 5 acres and minimum use setback from adjacent residential lot of 200-feet.

Comment: Applicant's proposed communications facility will be located on a subject property that is 5+acres and exceeds the minimum setback requirement of 200-feet to all adjacent residential lots (Attachment A, sheet A-0).

The applicant respectfully submits to the Zoning Administrator that the proposed facility is consistent with the Harford County Zoning Code, location and extent, and requests that the Zoning Administrator grant this application approval.

Should you have any questions or need additional information please do not hesitate to contact me. I can be reached at 703-549-1123 x101.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sean P. Hughes", is written over the typed name.

Sean P. Hughes  
Counsel for Applicant

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